

Remarks

The Office Action rejected claims 1-8 based on U.S. patents 1,067,472 ("Creed") and 6,230,334 ("Camp et al.") together, or them plus U.S. patent 6,184,192 ("Klinkhammer"). It also rejected claims 1, 4, 5 and 8 for double patenting in view of U.S. patent 6,662,380 ("Leonard et al."). In view of the above amendment, the following remarks, and the enclosed submission, reconsideration is respectfully requested.

Supplemental Information Disclosure Statement

Applicants mailed a Supplemental Information Disclosure Statement to the PTO on December 9, 2003. As the Office Action did not include an annotated copy of Form 1449 therefor, Applicants assume that this statement did not reach the examiner prior to the Office Action being prepared.

Applicants therefore request that the art noted in the Supplemental Prior Art Statement be considered in connection with this application, and that an annotated copy of the 1449 relating thereto be forwarded to the attorney of record with the next communication that the Office sends to the Applicants.

Double Patenting

The Office Action raised a double patenting rejection in view of U.S. patent 6,662,380. The enclosed terminal disclaimer is believed to overcome this rejection.

Updated Priority Claim

The specification amendment updates the priority claim in view of the now issued U.S. patent 6,662,380.

Art Rejections

Creed discloses a container including a solid compartment 5 having a neck 7 and an adjacent liquid compartment 4 having a neck 7. At page 1, lines 54-58 of Creed, it is stated that "Pivottally connected to the upper ends of the necks 7 are covers which serve to prevent any water which may splash from entering

the compartments through the necks 7." Thus, Creed teaches away from contacting the liquid disinfectant in compartment 4 with flush water as recited in original independent claims 1 and 5. Therefore, one skilled in the art would not be motivated to modify the device of Creed to create a structure where flush water contacts the liquid disinfectant. Accordingly, it is submitted that without motivation to modify the liquid disinfectant compartment of Creed, obviousness cannot be established for independent claims 1 and 5, and claims 2-4 and 6-8 that depend thereon.

New Claims

New claims 9 and 13 have been added to recite that the container is attached at a bottom end of the base such that the container extends below the base. New claim 9 includes the limitations of original claim 1 with this added limitation. New claim 13 includes the limitations of original claim 5 with this added limitation. Claims 10-12 correspond to original claims 2-4 respectively and claims 14-16 correspond to original claims 6-8 respectively. The priority application (10/231,042) included a dependent claim 12 drawn to the container being attached at a bottom end of the base, and Figs. 1 and 2 show that this results in the container and the solid being at least partially under the base.

The positioning of the container in this manner would not have been something readily tried by the art because such a placement would have been expected to cause the base to block the solid from the water flow, thereby interfering with proper dissolution of the solid. However, Applicants have developed ways to direct adequate water to the solid, notwithstanding this positioning. This positioning provides advantages in terms of better control over the amount of water reaching the solid and

causes a desirable reduction in the visibility of the dispenser to the consumer.

Creed does not show or suggest mounting the container for the solid underneath the base, or how one could cause adequate well-controlled water to reach the solid if one were to do so.

Camp et al. does not suggest mounting a solid below a base in a way to permit the solid to be dissolved.

Klinkhammer's relevance relates only to chemistry, and is not pertinent to the positioning of the container that has the solid. Hence, it does not make up for the deficiencies of the Creed and Camp et al. references.

The unique positioning of the container that has the solid is also believed to adequately distinguish the other art which was the subject matter of the December 9, 2003 Supplemental Information Disclosure Statement.

Conclusion

Original claims 1-8 and new claims 9-16 are believed to be in condition for allowance, and allowance is respectfully requested. A fee is attached for the extra independent claim and the terminal disclaimer. Should any additional fees be needed, please charge Deposit Account No. 17-0055 for the amount of the fees.

Respectfully submitted,
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